

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LA-TACHIA JOI CLAIBORNE,
TODD ROBERT CLAIBORNE, JR., and TRENAE
RENEE CLAIBORNE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TODD CLAIBORNE, SR.,

Respondent-Appellant,

and

CONSUELO DAVIS,

Respondent.

In the Matter of LA-TACHIA JOI CLAIBORNE,
TODD ROBERT CLAIBORNE, JR., and TRENAE
RENEE CLAIBORNE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CONSUELO DAVIS,

Respondent-Appellant,

UNPUBLISHED

August 4, 2000

No. 219549

Monroe Circuit Court

Family Division

LC No. 96-012464-NA

No. 219613

Monroe Circuit Court

Family Division

LC No. 96-012464-NA

and

TODD CLAIBORNE, SR.,

Respondent.

Before: Kelly, P.J., and White and Wilder, JJ.

MEMORANDUM.

In these consolidated appeals, respondents Todd Claiborne, Sr., and Consuelo Davis appeal as of right from the family court's order terminating their parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), (h) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g), (h) and (j).¹ We affirm.

Respondent Claiborne argues that the family court did not have jurisdiction over the matter because the initial preliminary hearing was not conducted within twenty-four hours after the children were taken into custody as required by MCR 5.965(A). We disagree. The court conducted the hearing at a later time and authorized the petition. Respondent Claiborne does not challenge the decision to exercise jurisdiction, only the timing of the hearing. We conclude that any error in this regard was merely a procedural irregularity that did not affect the court's otherwise valid subject matter jurisdiction, based on the type of case, the allegations in the complaint, and the finding of probable cause to believe that the allegations were true. *In re Hatcher*, 443 Mich 426, 433-436; 505 NW2d 834 (1993).

Only one statutory ground is required to terminate parental rights. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1992). Subsection 19b(5) of the statute mandates termination once petitioner establishes at least one ground for termination, unless the court finds on the whole record that termination is clearly not in the child's best interest. *In re Trejo Minors*, ___ Mich ___; ___ NW2d ___ (Docket No. 112528, issued 7/5/00), slip op p 18.

Here, the family court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were established by clear and convincing evidence as to both respondents. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989), or in concluding that termination of their parental rights was in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5), *In re Trejo Minors*, *supra* at 17. Thus, the family court did not err in terminating respondents' parental rights to the children and denying respondent Davis' motion for reconsideration *Id.*

Affirmed.

/s/ Michael J. Kelly
/s/ Helene N. White
/s/ Kurtis T. Wilder

¹ Only respondent Claiborne's parental rights were terminated under § 19b(3)(a)(ii).